

FACSIMILE TRANSMISSION

To: Erik J. Kielin
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Our ref: MIO 0083 PA

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OFFICIAL COMMUNICATION

Application of

Applicants : Todd R. Abbott
Serial No. : 09/943,078
Filed: August 30, 2001
Title : SEMICONDUCTOR DAMASCENE TRENCH AND
METHODS THEREOF
Docket No. : MIO 0083 PA
Examiner : Erik J. Kielin
Art Unit : 2813
Confirm No.: 7688

OFFICIAL COMMUNICATION

Patents, Trademarks and Related Matters

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OFFICIAL COMMUNICATION**OFFICIAL COMMUNICATION****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office at fax no. ((703) 872-9316 on October 14, 2002.

Thomas F. Lees

46,867
Rep. No.

Assistant Commissioner for Patents
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Sir:

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RESPONSE TO ELECTION REQUIREMENT

This paper is being filed in response to the Office action mailed September 20, 2002, notifying applicants that the claims presently pending in the application, are subject to a restriction requirement.

IN THE RESTRICTION REQUIREMENT

Claims 1-44 are pending in the present application. The Examiner asserts that the following set forth different inventions:

- I. Claims 1-28 and 39, drawn to a method of fabricating a semiconductor device having a trench with both a gate area and a local interconnect area.

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Attorney Docket MIO 0083 PA
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- II. Claims 29-38 and 40-41, drawn to a method of fabricating a semiconductor device having separate trenches for a gate area and a local interconnect area.
- III. Claims 42-44, drawn to a device.

The Examiner has also indicated that if we elect invention I, we must choose a distinct species from the following claimed inventions:

I-A Claims 1-16 and 39, drawn to a semiconductor device having a single trench with both a single gate area and a single local interconnect area.

I-B Claims 17-28, drawn to a semiconductor device having plural trenches, wherein each trench has both plural gate areas and plural local interconnect areas.

Applicant hereby provisionally elects, WITH TRAVERSE, the invention identified by the Examiner as Invention I, and elect claims 1-28 and 39. The applicants further elect species I-A. The applicants believe claims 1-16 and 39 read on species I-A. The applicant traverse the present election requirement for the reasons set forth below.